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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE MARILYN L. HUFF)

UNITED STATES OF AMERICA, Plaintiff, v. MELVIN ALFARO-ZUNIGA, Defendant.	)	Case No. 08cr1276-MLH Date: May 27, 2008 Time: 2:00 p.m. **NOTICE OF MOTIONS AND MOTIONS TO:** **(1) COMPEL DISCOVERY;** **(2) PRESERVE EVIDENCE;** **(3) DISMISS INDICTMENT DUE TO MISINSTRUCTION OF THE GRAND JURY;** **(4) SUPPRESS EVIDENCE SEIZED IN VIOLATION OF THE FOURTH AMENDMENT;** **(5) SUPPRESS STATEMENTS OF ALL UNAVAILABLE WITNESSES;** **(6) GRANT LEAVE TO FILE FURTHER MOTIONS .**

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY;
CHRISTINA McCALL, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on May 27, 2008, at 2:00 p.m., or as soon thereafter as counsel may be heard, the accused, Melvin Alfaro-Zuniga, by and through his attorneys, Joseph M. McMullen and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions outlined below.

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MOTIONS

Defendant, Mr. Alfaro-Zuniga, by and through his attorneys, Joseph M. McMullen and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order to:

(1) compel discovery;
(2) preserve evidence;
(3) dismiss indictment due to misinstruction of the grand jury;
(4) suppress evidence seized in violation of the Fourth Amendment;
(5) suppress statements of all unavailable witnesses;
(6) grant leave to file further motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to this Court's attention at or before the time of the hearing on these motions.

Respectfully submitted,

/s/ Joseph M. McMullen

Dated: May 14, 2008

JOSEPH M. McMULLEN
Federal Defenders of San Diego, Inc.
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